

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

AMELIA C. WEDDERSPOON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -3523

Decision No. CU-1178

FINAL DECISION

By Proposed Decision issued February 7, 1968, the Commission denied this claim for failure of proof. The decision became final on March 14, 1968. Since that time claimant has submitted satisfactory evidence. Accordingly, the Final Decision of March 14, 1968 is set aside and the Commission now finds as follows.

The record in this and a related case (Claim No. CU-3428, Claim of Lucille Deneen Cole, et al) shows that various members of the Cole family held stock in the Isle of Pines Land and Development Co., which held various plots in the Santa Rosalia Estates. In 1956 the company was dissolved and the various shareholders were given deeds to specific pieces of real property.

In this fashion claimant acquired title to the following real property:

- 1) Lot 1, in Section 11 - 40 acres
- 2) Parcel in Lot 16, Section 38 - 3 acres, beachfront
- 3) In Lot 16, Section 19 - 1 acre

The Commission further finds that these properties were taken by the Government of Cuba on June 3, 1959, pursuant to the Agrarian Reform Law (see Claim of Council Bluffs Savings Bank, Claim No. CU-1290).

Based on the record and evidence available to the Commission as to the value of similar properties in Cuba, the Commission finds that on the date of loss the properties had the following values:

Item 1) -	\$10,000.00	
Item 2) -	2,500.00	
Item 3) -	<u>220.00</u>	\$12,720.00

Accordingly, the Commission holds that claimant suffered a loss in the amount of \$12,720.00 within the meaning of Title V of the Act as a result of the taking of the property on June 3, 1959.

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.


The following Certification of Loss will be entered and in all other respects the Proposed Decision as amended herein is affirmed.

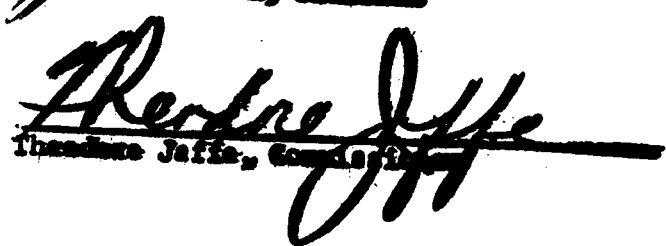
CERTIFICATION OF LOSS

The Commission certifies that AMELIA C. WEDDERSPOON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Twelve Thousand Seven Hundred Twenty Dollars (\$12,720.00) with interest thereon at the rate of 6% per annum from June 3, 1959 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

BFP 1 1971


Lyle S. Carlock, Chairman


Theodore Jaffe, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

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PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$12,500.00, was presented by AMELIA C. WEDDERSPOON and is based upon the asserted loss of certain real property on the Isle of Pines. Claimant has been a national of the United States since her birth in the United States.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Other than her own statements, three tax receipts dated in 1957, a photocopy of her birth certificate and a photograph submitted with the claim form, claimant has presented no evidence in support of this claim. By Commission letter of October 4, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. However, no evidence in response to this correspondence has been received to date.

On December 14, 1967, claimant was invited to submit any evidence available to her within 45 days from that date, and she was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

The Commission finds that claimant has not met the burden of proof in that she has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

FEB 7 1968

Edward D. Re
Edward D. Re, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

RECEIVED
This is a true and correct copy of the Proposed
of the Commission and the proposed
decision on MAR 14 1968

James Whistler
Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)